



July 27, 2023

**VIA ECF**

The Honorable Vernon S. Broderick  
United States District Court Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *Goldstein, et al. v. Hochul, et al.*, 22-CV-8300 (VSB)

Your Honor:

I am co-counsel for Plaintiffs in this case. As Your Honor is aware, Plaintiffs have filed a Notice of Appeal of this Court's recent denial of their motion for a preliminary injunction. Plaintiffs submit this letter to request that the proceedings at the District Court be stayed pending the final resolution of the appeal.

We have conferred with opposing counsel about this application. Counsel for the City Defendants joins in this request, and counsel for the Rockland County Defendants takes no position.

A stay is appropriate here given that this Court's denial of the preliminary injunction motion was based primarily on a merits-based "likelihood of success" analysis of Plaintiffs' constitutional claims. A final determination by the Second Circuit or the U.S. Supreme Court on these important issues will clearly impact the course and scope of discovery on all claims and defenses currently pending in the District Court in this matter.

Moreover, if an appellate court reverses that aspect of the District Court's decision that held that Defendants Hochul and James are not proper defendants – an issue that Plaintiffs intend to include in their appeal – the State of New York would re-enter the case. At that point, discovery would have to start afresh, and witnesses would have to be produced again for depositions. Litigation efficiencies therefore counsel in favor of a stay.

Accordingly, Plaintiffs and the City Defendants jointly request (and the Rockland Defendants do not oppose) that the proceedings in the District Court be temporarily stayed pending the final resolution of the appeal of the denial of the preliminary injunction motion, and that Defendants' time to answer the Complaint be extended to thirty (30) days after such final determination.

Respectfully submitted,

  
Ameer Benno

cc: All counsel by ECF